

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BLACKBERRY LIMITED,
Plaintiff,
v.
TYPO PRODUCTS LLC,
Defendant.

Case No. [14-cv-00023-WHO](#)

**ORDER REGARDING PARTIES'
DISCOVERY DISPUTE**

Re: Dkt. No. 103

BlackBerry seeks relief on three discovery issues in connection with its motion to hold Typo in contempt of the preliminary injunction issued in this case: (i) the depositions of Mr. Hallier and Mr. Yergensen; (ii) Typo's allegedly inadequate interrogatory responses; and (iii) Typo's allegedly inadequate document production. The parties have submitted a joint letter addressing these disputes. Dkt. No. 103.

I. THE DEPOSITIONS OF MR. HALLIER AND MR. YERGENSEN

The depositions of Mr. Hallier and Mr. Yergensen were originally scheduled for October 7 and 8, 2014. However, on October 3, the BlackBerry attorney who prepared to take these depositions was ordered to serve on a jury on October 6-8. BlackBerry provided Typo various alternate deposition dates. Typo's counsel indicated that it is not able to conduct the depositions until November 17-19, 2014.

BlackBerry requests that Typo be compelled to make Mr. Hallier and Mr. Yergensen available for deposition on October 18 and 19 or November 1-4, 2014, or that the Court direct Typo to adjust their schedules so that the depositions can go forward during other dates in October. I decline BlackBerry's invitation. But for BlackBerry cancelling the depositions (albeit for legitimate reasons), the depositions would have already been conducted. Conducting the

depositions on November 17-19, 2014 will not unduly prejudice BlackBerry. The parties shall conduct the depositions at a time mutually convenient to parties and counsel, but no later than November 17-19, 2014.

II. TYPO'S INADEQUATE INTERROGATORY RESPONSES

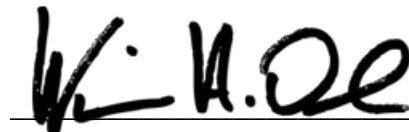
Typo's reliance on Rule 33(d) is improper and its interrogatory responses are inadequate. The interrogatories at issue call for information that BlackBerry cannot compile from documents without undue burden. In contrast, the information should be within Typo's knowledge. Narrative responses that provide at least an overview of the information at issue are therefore warranted. The narrative responses may refer to specific documents in Typo's production by Bates number, but Typo may not rely solely on the documents. Typo shall provide supplemental responses to interrogatories 1-5 within 10 days of this order.

III. TYPO'S INCOMPLETE DOCUMENT PRODUCTION

Typo shall complete its document production within 20 days of this order.

IT IS SO ORDERED.

Dated: October 10, 2014



WILLIAM H. ORRICK
United States District Judge